



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of: §
HEATON, Keith Patrick §
et al §
Serial No.: **10/009,294** §
Filed: **June 6, 2002** §

For: **WOUND TREATMENT
APPARATUS EMPLOYING
REDUCED PRESSURE**

Examiner: LEWIS, Kim M.

Group Art Unit: 3761

Attorney Docket No.: VAC.704.US

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CERTIFICATE OF MAILING

37 C.F.R. § 1.8

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03/21/2005
Date

Cherie E. Ridout
Cherie E. Ridout

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir or Madam:

INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. §1.97
First Supplemental Statement

In compliance with the duty of disclosure set forth in 37 C.F.R. §1.56, Applicants are submitting herewith a Form PTO/SB/08A and a copy of the references listed thereon. This Information Disclosure Statement is being filed more than three months after the filing date of the application. This Information Disclosure Statement is being filed in accordance with 37 C.F.R. §1.97(c)(2). The Commissioner is authorized to charge the required fees to deposit account no. 500326.

03/25/2005 BABRAHA1 00000049 500326 10009294

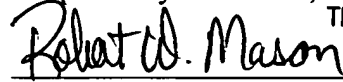
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Applicants respectfully request full and proper consideration of the listed information during examination of the application, and that the listed information be printed on any patent that issues therefrom.

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Respectfully submitted,



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Robert W. Mason

Reg. No. 42,848

Attorney for the Applicant

Telephone: (210) 255-6271

Facsimile: (210) 255-6969

Enclosures: Fee Transmittal

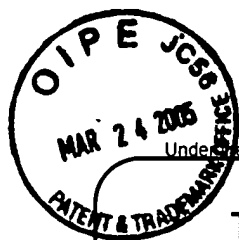
Transmittal Form

Form PTO/SB/08A (7 pages)

Copies of foreign patents and non-patent information documents referenced on

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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number	10/009,294
Filing Date	June 6, 2002
First Named Inventor	HEATON, Keith P.
Art Unit	3761
Examiner Name	LEWIS, Kim M.
Attorney Docket Number	VAC.704.US

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ENCLOSURES (Check all that apply)

- | | | |
|--|--|--|
| <input checked="" type="checkbox"/> Fee Transmittal Form
<input type="checkbox"/> Fee Attached
<input type="checkbox"/> Amendment/Reply
<input type="checkbox"/> After Final
<input type="checkbox"/> Affidavits/declaration(s)
<input type="checkbox"/> Extension of Time Request
<input type="checkbox"/> Express Abandonment Request
<input checked="" type="checkbox"/> Information Disclosure Statement
<input type="checkbox"/> Certified Copy of Priority Document(s)
<input type="checkbox"/> Reply to Missing Parts/
Incomplete Application
<input type="checkbox"/> Reply to Missing Parts
under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s)
<input type="checkbox"/> Licensing-related Papers
<input type="checkbox"/> Petition
<input type="checkbox"/> Petition to Convert to a
Provisional Application
<input type="checkbox"/> Power of Attorney, Revocation
Change of Correspondence Address
<input type="checkbox"/> Terminal Disclaimer
<input type="checkbox"/> Request for Refund
<input type="checkbox"/> CD, Number of CD(s) _____
<input type="checkbox"/> Landscape Table on CD | <input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Appeal Communication to Board
of Appeals and Interferences
<input type="checkbox"/> Appeal Communication to TC
(Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Status Letter
<input checked="" type="checkbox"/> Other Enclosure(s) (please identify
below):
Information Disclosure Statement filed under
37 CFR§1.97;
PTO/SB/08A with referenced
Foreign patents & non patent literature
documents
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Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Kinetic Concepts, Inc.		
Signature	<i>Robert W. Mason</i>		
Printed name	Robert W. Mason		
Date	21 March 2005	Reg. No.	42,848

CERTIFICATE OF TRANSMISSION/MAILING

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Signature *Robert W. Mason*

Typed or printed name Robert W. Mason

Date 21 March 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Effective on 12/08/2004.

Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

FEE TRANSMITTAL

For FY 2005

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 180.00

Complete if Known

Application Number	10/009,294
Filing Date	June 6, 2002
First Named Inventor	HEATON, Keith P.
Examiner Name	LEWIS, Kim M.
Art Unit	3761
Attorney Docket No.	VAC.704.US

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METHOD OF PAYMENT (check all that apply)☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____☒ Deposit Account Deposit Account Number: 500326 Deposit Account Name: Kinetic Concepts, Inc.

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

FEE CALCULATION**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180
Total Claims	Extra Claims	Fee (\$)
- 20 or HP = _____ x _____ = _____		
HP = highest number of total claims paid for, if greater than 20.		
Indep. Claims	Extra Claims	Fee (\$)
- 3 or HP = _____ x _____ = _____		
HP = highest number of independent claims paid for, if greater than 3.		

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
- 100 = _____	/ 50 = _____	(round up to a whole number) x _____	= _____	

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): IDS Late Filing Surcharge

180.00

SUBMITTED BY

Signature	<u>Robert W. Mason</u>	Registration No. (Attorney/Agent) 42,848	Telephone 210 255 6271
Name (Print/Type)	Robert W. Mason	Date <u>21</u> March 2005	

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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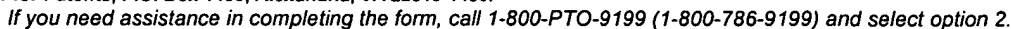
INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet	1	of	7
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Complete if Known

Application Number	10/009,294
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First Named Inventor	HEATON, Keith P.
Art Unit	3761
Examiner Name	LEWIS, Kim M.
Attorney Docket Number	VAC.704.US



Substitute for form 1449/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet 3 of 7

Complete if Known

Application Number	10/009,294
Filing Date	June 6, 2002
First Named Inventor	HEATON, Keith P.
Art Unit	3761
Examiner Name	LEWIS, Kim M.
Attorney Docket Number	VAC.704.US

U. S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (<i>if known</i>)			
		US-			
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FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T ⁶
		Country Code ³ Number ⁴ Kind Code ⁵ (if known)	MM-DD-YYYY			
		GB-692,578	06-10-1953	Minnesota Min..		
		WO 80/02182	10-16-1980	Moss, James		
		WO/94/20041	09-15-1994	WFU/Argenta, L.		
		DE-295 04 378 U1	09-14-1995	MTG		
		DE-43 06 478 A1	09-08-1994	Wagner, W.		
		CA-2005436	06-30-1990	Kalt, Glenda G.		

Examiner Signature		Date Considered	
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

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Sheet	4
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of 7

Complete if Known

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First Named Inventor	HEATON, Keith P.
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Attorney Docket Number	VAC.704.US

U. S. PATENT DOCUMENTS

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FOREIGN PATENT DOCUMENTS

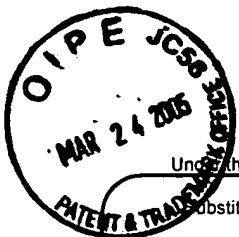
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T ⁶
		Country Code ³ *Number ⁴ *Kind Code ⁵ (if known)	MM-DD-YYYY			
		WO 93/09727	05-27-1993	Wake Forest Un.		
		GB-2 197 789 A	06-02-1988	Smith Industrie		
		EP-0358 302	03-14-1990	Smith Industrie		
		DE 26 40 413 A1	03 09 1978	Wolf, Richard		
		EP 1 018 967 B1	08-18-2004	Heaton, Keith P		

Examiner Signature		Date Considered	
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STATEMENT BY APPLICANT**

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Application Number	10/009,294
Filing Date	June 6, 2002
First Named Inventor	HEATON, Keith P.
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Examiner Name	LEWIS, Kim M.
Attorney Docket Number	VAC.704.US

Sheet 5 of 7

U. S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
		US- 5,437,622	08-01-1995	Carion, Jean-Pierre	
		US- 6,345,623	02-12-2002	Heaton, K., et al	
		US- 6,553,998	04-29-2003	Heaton, K., et al	
		US- 6,814,079	11-09-2004	Heaton, K., et al	
		US- 5,437,651	08-01-1995	Todd, R., et al	
		US- 5,549,584	08-27-1996	Gross, James R.	
		US- 5,134,994	08-04-1992	Say, Sam L.	
		US- 4,710,165	12-01-1987	McNeil, C.B., et al	
		US- 3,520,300	07-14-1970	Flower, Guiles	
		US- 4,758,220	07-19-1988	Sundblom, L., et al	
		US- 5,279,550	01-18-1994	Habib, Magdi, et al	
		US- 5,092,858	03-03-1992	Benson C.D., et al	
		US- 5,086,170	02-04-1992	Luheshi A., et al	
		US- 5,278,100	01-11-1994	Doan, T., et al	
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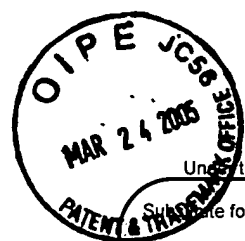
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T ⁶
		Country Code ³ - Number ⁴ - Kind Code ⁵ (if known)				

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PTO/SB/08B (08-03)

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**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

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Complete if Known

Application Number	10/009,294
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Attorney Docket Number	VAC.704.US

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NON PATENT LITERATURE DOCUMENTS

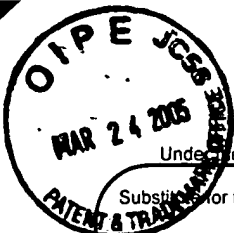
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
		PCT International Search Report; PCT international application PCT/GB98/02713; June 8, 1999	
		PCT Written Opinion; PCT international application PCT/GB98/02713; June 8, 1999	
		PCT International Examination and Search Report, PCT international application PCT/GB96/02802; Jan. 15, 1998 and April 29, 1997	
		PCT Written Opinion, PCT international application PCT/GB/96/02802; September 3, 1997	

Examiner Signature	Date Considered
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NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
		KOSTYUCHENOK, B.M, et al. ;Vacuum Treatment in the Surgical Management of Purulent Wounds; Vestnik Khirurgi, September 1986	
		DAVYDOV, Yu. A., et al; Vacuum Therapy in the Treatment of Purulent Lactation Mastitis; Vestnik Khirurgi, September 1986	
		YUSUPOV, Yu. N., et al; Active Wound Drainage, Vestnik Khirurgi, Vol. 138, Issue 4, 1987.	
		DAVYDOV, Yu. A., et al; Bacteriological and Cytological Assessment of Vacuum Therapy of Purulent Wounds; Vestnik Khirurgi, October 1988	
		DAVYDOV, Yu. A., et al; Concepts For the Clinical-Biological Management of the Wound Process in the Treatment of Purulent Wounds by Means of Vacuum Therapy; Vestnik Khirurgi	
		International Search Report for PCT international application PCT/GB95/01983; November 23, 1995	
		Patent Abstract of Japan; JP4129536; Terumo Corporation; April 30, 1992	
		ORRINGER, JAY, et al., "Management of Wounds in Patients with Complex Enterocutaneous Fistulas", Surgery, Gynecology & Obstetrics, July 1987, V. 165, pp. 79-80.	

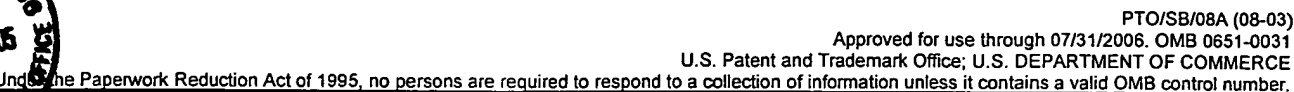
Examiner Signature	Date Considered
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Sheet	1
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of 7

Application Number	10/009,294
Filing Date	June 6, 2002
First Named Inventor	HEATON, Keith P.
Art Unit	3761
Examiner Name	LEWIS, Kim M.
Attorney Docket Number	VAC 704 US

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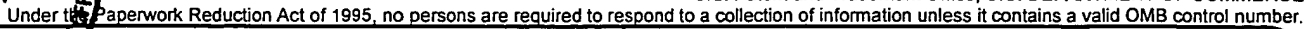
FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T ⁶
		Country Code ³ Number ⁴ Kind Code ⁵ (if known)				
		WO 96/05873	02-29-1996	Lina		
		WO 97/18007	05-22-1997	Hunt		
		EP-0161865	11-21-1985	Ward		
		EP-0117632-A2	01-1984	JMcCracken		

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Sheet 2

of

7

Application Number	10/009.294
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Filing Date	June 6, 2002
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First Named Inventor	HEATON, Keith P.
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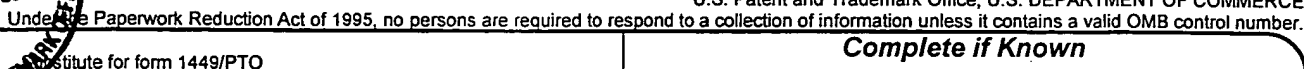
Art Unit	3761
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Examiner Name	LEWIS, Kim M.
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Attorney Docket Number	VAC.704.US
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Sheet	4
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of 7

Application Number	10/009 294
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Filing Date	June 6, 2002
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First Named Inventor	HEATON, Keith P.
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Art Unit	3761
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Examiner Name	LEWIS, Kim M.
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Attorney Docket Number	VAC.704.US
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FOREIGN PATENT DOCUMENTS

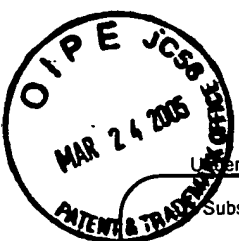
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T ⁶
		Country Code ³ *Number ⁴ *Kind Code ⁵ (if known)				
		WO 93/09727	05-27-1993	Wake Forest Un.		
		GB-2 197 789 A	06-02-1988	Smith Industrie		
		EP-0358 302	03-14-1990	Smith Industrie		
		DE 26 40 413 A1	03 09 1978	Wolf, Richard		
		EP 1 018 967 B1	08-18-2004	Heaton, Keith P		

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Application Number	10/009,294
Filing Date	June 6, 2002
First Named Inventor	HEATON, Keith P.
Art Unit	3761
Examiner Name	LEWIS, Kim M.
Attorney Docket Number	VAC.704.US

Sheet 5 of 7

U. S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
		US- 5,437,622	08-01-1995	Carion, Jean-Pierre	
		US- 6,345,623	02-12-2002	Heaton, K., et al	
		US- 6,553,998	04-29-2003	Heaton, K., et al	
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		US- 5,437,651	08-01-1995	Todd, R., et al	
		US- 5,549,584	08-27-1996	Gross, James R.	
		US- 5,134,994	08-04-1992	Say, Sam L.	
		US- 4,710,165	12-01-1987	McNeil, C.B., et al	
		US- 3,520,300	07-14-1970	Flower, Guiles	
		US- 4,758,220	07-19-1988	Sundblom, L., et al	
		US- 5,279,550	01-18-1994	Habib, Magdi, et al	
		US- 5,092,858	03-03-1992	Benson C.D., et al	
		US- 5,086,170	02-04-1992	Luheshi A., et al	
		US- 5,278,100	01-11-1994	Doan, T., et al	
		US-			
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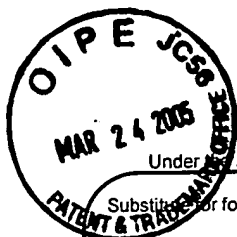
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Application Number	10/009,294
Filing Date	June 6, 2002
First Named Inventor	HEATON, Keith P.
Art Unit	3761
Examiner Name	LEWIS, Kim M.
Attorney Docket Number	VAC.704.US

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NON PATENT LITERATURE DOCUMENTS

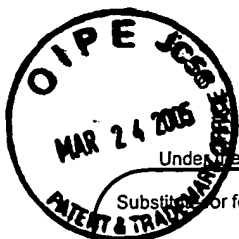
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
		PCT International Search Report; PCT international application PCT/GB98/02713; June 8, 1999	
		PCT Written Opinion; PCT international application PCT/GB98/02713; June 8, 1999	
		PCT International Examination and Search Report, PCT international application PCT/GB96/02802; Jan. 15, 1998 and April 29, 1997	
		PCT Written Opinion, PCT international application PCT/GB/96/02802; September 3, 1997	

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7

Application Number	10/009,294
Filing Date	June 6, 2002
First Named Inventor	HEATON, Keith P.
Art Unit	3761
Examiner Name	LEWIS, Kim M.
Attorney Docket Number	VAC.704.US

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		KOSTYUCHENOK, B.M., et al. ;Vacuum Treatment in the Surgical Management of Purulent Wounds; Vestnik Khirurgi, September 1986	
		DAVYDOV, Yu. A., et al; Vacuum Therapy in the Treatment of Purulent Lactation Mastitis; Vestnik Khirurgi, September 1986	
		YUSUPOV, Yu. N., et al; Active Wound Drainage, Vestnik Khirurgi, Vol. 138, Issue 4, 1987.	
		DAVYDOV, Yu. A., et al; Bacteriological and Cytological Assessment of Vacuum Therapy of Purulent Wounds; Vestnik Khirurgi, October 1988	
		DAVYDOV, Yu. A., et al; Concepts For the Clinical-Biological Management of the Wound Process in the Treatment of Purulent Wounds by Means of Vacuum Therapy; Vestnik Khirurgi	
		International Search Report for PCT international application PCT/GB95/01983; November 23, 1995	
		Patent Abstract of Japan; JP4129536; Terumo Corporation; April 30, 1992	
		ORRINGER, JAY, et al., "Management of Wounds in Patients with Complex Enterocutaneous Fistulas", Surgery, Gynecology & Obstetrics, July 1987, V. 165, pp. 79-80.	

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